THE HON'BLE SRI JUSTICE C.V. RAMULU

Thursday, 13th day of September,2007

W.P.No.14014 of 2006

Between:-

K. Madhava Reddy … Petitioner

and

The Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Gruhakalpa, Mukarramjahi Road, Hyderabad and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.14014 of 2006

ORAL ORDER:

Heard both sides.

This Writ Petition is filed questioning a show cause notice issued by the Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Hyderabad – 1st respondent herein – dated 27-6-2006 whereunder the punishment of removal from service was proposed.

In the said show cause notice, at paragraphs 3 to 5, it was noticed as under:

> "Accordingly, the Secretary, A.P. Housing Board was appointed to conduct *de novo* enquiry vide reference 3rd cited and submit his report through reference 4 cited.
>
> The Enquiry Officer served the questionnaire for the cross examination to Sri K. Madhava Reddy, A.E. (U/s). Sri K.Madhava Reddy, A.E.(U/s) in his explanation submitted that he has not forged any L.P.C. and requested to provide with the LPC in original, which is allegedly forged and fabricated so as to enable to reply all the questionnaire. The original LPC which is allegedly fabricated is not available in APHMHIDC, Mahaboobnagar Divn.
>
> The very fact that the delinquent returned the amount, which is allegedly overdrawn was proof that incentive to tamper with the LPC and its removal is the highest for the delinquent Sri K.Madhava Reddy, A.E.(U/s) only is responsible for submission of fabricated and forged L.P.C. A copy of denovo enquiry report is enclosed herewith."

From the above, it reveals that the original LPC, which is said to have been fabricated by the petitioner is not available with the respondents and the petitioner, in fact, asked for certain documents

including the LPC, before concluding the enquiry. The said documents were, admittedly, not furnished to the petitioner. On the other hand, it is the contention of the respondents that LPC is not available. The whole enquiry is emanated from the so-called fabricated LPC. The petitioner wants that a copy of the LPC be furnished to him. The respondents not only denied but also stated that it is not available with them. In the absence of the LPC, which is stated to be fabricated by the petitioner, how the enquiry has been concluded and how the respondents have reached to a conclusion that the petitioner manipulated the LPC and drawn an amount of Rs.40,000/- in excess, which is said to have been refunded by the petitioner on being alerted by the respondents. It is simply stated that the very fact that the delinquent returned the amount, which is allegedly overdrawn, shows that he is responsible for submission of fabricated and forged L.P.C. It is unfortunate that such a stand was taken in the show cause notice issued to the petitioner and he is sought to be removed from service.

Generally speaking, a Writ Petition does not lie against a show cause notice. But, this is a case where the show cause notice can be termed as perverse, apart from being arbitrary and illegal. Therefore, I am inclined to interfere with the impugned show cause notice dated 27-6-2006. The same is, therefore, liable to be set aside and is accordingly set aside. However, the respondents are directed to furnish all the documents including the LPC to the petitioner. If the LPC is not available, they may consider dropping the proceedings against the petitioner.

Accordingly, the Writ Petition is allowed. No order as to costs.

13-9-2007

prk